



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON FAIRPOINT COMMUNICATIONS PETITION FOR WAIVER OF CERTAIN HIGH-COST UNIVERSAL SERVICE RULES

WC Docket Nos. 10-90, 05-337

**Comment Date: October 11, 2012**

**Reply Comment Date: October 26, 2012**

The Wireline Competition Bureau seeks comment on a petition filed by FairPoint Communications, Inc. (FairPoint) for a waiver of certain portions of section 54.312(b) of the Commission's rules, which, among other things, provides the timeframe and obligations associated with accepting Connect America Phase I incremental support.<sup>1</sup> Specifically, FairPoint requests waiver of the 90-day window in which carriers had to accept or decline allocated Connect America Phase I incremental support.<sup>2</sup> If the waiver is granted, FairPoint proposes to accept the \$2,831,783 in allocated Phase I incremental support that it previously declined, conditioned on the favorable disposition of litigation currently pending with the Maine Public Utilities Commission.<sup>3</sup> FairPoint also requests waiver of the requirement to connect to one unserved location for every \$775 in incremental support accepted.<sup>4</sup>

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments or reply comments on or before the dates indicated above.<sup>5</sup> Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>6</sup>

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<sup>1</sup> FairPoint Communications Petition for Waiver of Sections 54.313(b)(2) and (3) of the Commission's Rules and Conditional Election of Incremental CAF Support, WC Docket Nos. 10-90 and 05-337 (filed Sept. 10, 2012) (Petition); *see also Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order and FNPRM*); *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 18, 2011); 47 C.F.R. § 54.312(b).

<sup>2</sup> Petition at 14.

<sup>3</sup> *Id.* at 11, 14-15.

<sup>4</sup> *Id.* at 11-12.

<sup>5</sup> 47 C.F.R. §§ 1.415, 1.419.

<sup>6</sup> *See Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) Ryan J. Yates, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B441A, Washington, DC 20554; e-mail: [Ryan.Yates@fcc.gov](mailto:Ryan.Yates@fcc.gov); and
- (2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, DC 20554; e-mail: [Charles.Tyler@fcc.gov](mailto:Charles.Tyler@fcc.gov).

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>7</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be

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<sup>7</sup> 47 C.F.R. §§ 1.1200 *et seq.*

found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Ryan Yates, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-0886 or TTY (202) 418-0484.

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